

CITY OF TIGARD, OREGON

ORDINANCE NO. 03- 11

AN ORDINANCE CONCERNING THE VACATION OF AN APPROXIMATELY 3,241 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY BETTER KNOWN AS SW 74TH AVENUE WHICH LIES AT THE NORTHWEST CORNER OF SW 74TH AVENUE AND LANDAU STREET, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2003-00001).

WHEREAS, the Tigard City Council initiated this vacation request pursuant to Section 15.08.040 of the Tigard Municipal Code on October 28, 2003, and has been recommended by the Community Development Department; and

WHEREAS, the approximate 3,241 square foot portion of the public right-of-way had previously been dedicated to the public; and

WHEREAS, the applicant has requested that the City of Tigard vacate an approximate 3,241 square foot portion of public right-of-way as described in **Exhibit "A"** and shown in **Exhibit "B"** better known as SW 74th Avenue; and

WHEREAS, the said portion of public right-of-way is no longer necessary because of a secured dedication of 1,314 square feet to straighten the 74th Avenue/Landau Street intersection; and

WHEREAS, the City will no longer have maintenance responsibility of this area; and

WHEREAS, all affected service providers, including utility companies and emergency service providers, have reviewed the vacation proposal and have provided no objections, provided a utility easement is provided to cover existing utility lines; and

WHEREAS, notice has been mailed to all property owners abutting said vacation area and all owners in the affected area, as described by ORS 271.080; and

WHEREAS, in accordance with Tigard Municipal Code 15.08.120, notice of the public hearing was posted in the area to be vacated and published in the newspaper; and

WHEREAS, the property owners of the majority of the area affected have not objected in writing; and

WHEREAS, the City Council having considered the request on December 16, 2003, finds that it is in the public interest to approve the request to vacate said public right-of-way as the public interest will not be prejudiced by this vacation, as provided by ORS 271.120 and TMC Section 15.08.130; and

WHEREAS, the Council finds that the following condition is necessary to vacate said land:

1. A public utility easement over the entire vacated area to provide for the existing and future utility lines shall be dedicated.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:


SECTION 1: The Tigard City Council hereby orders the vacation of said 3,241 square foot portion of public right-of-way as shown and described in the attached **Exhibits "A" and "B"** (legal description and map of the area to be vacated), and by this reference, made part thereof.

SECTION 2: The Tigard City Council further orders that the vacation be subject to the following condition:

1. A public utility easement over the entire vacated area to provide for the existing and future utility lines shall be dedicated.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, approval by the Council President, and posting by the City Recorder.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 16th day of December, 2003.



~~Catherine Wheatley, City Recorder~~


Greer A. Gaston, Deputy City Recorder

APPROVED: By Tigard City Council this 16th day of December, 2003.



Craig Dirksen, Council President

Approved as to form:


City Attorney

12 . 29 . 03
Date

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August 22, 2003

LEGAL DESCRIPTION

**FOR THE VACATION OF A PORTION OF THE PUBLIC RIGHT OF WAY OF
S.W. LANDAU STREET AND S.W. 74th AVENUE.**

THE FOLLOWING DESCRIBED LAND BEING COMPRISED OF PORTION OF THE ABOVE SAID PUBLIC RIGHTS-OF-WAY, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1-SOUTH, RANGE 1WEST OF THE WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25, THENCE ALONG THE SOUTH LINE OF SECTION 25, S 89°18'19" E 85.19 FEET; THENCE AT RIGHT ANGLES TO THE SECTION LINE N 00°41'41" E 27.00 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY 25 FOOT CURVED RIGHT OF WAY LINE OF S.W. LANDAU STREET AND POINT OF BEGINNING. THENCE ALONG SAID RIGHT OF WAY LINE ON THE ARC OF A 250.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 42°14'23" (THE CHORD OF WHICH BEARS N 62°19'19" E 180.16 FEET) AN ARC DISTANCE OF 184.31 FEET TO AN INTERSECTION WITH A 212.00 FOOT RADIUS CURVE BEING 27.00 FEET RADIAL TO THE CURVE FROM THE CENTERLINE OF THE FUTURE REALIGNMENT OF S.W. 74th AVENUE; THENCE ALONG THE ARC OF A 212.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15°53'16" (THE CHORD OF WHICH BEARS S 22°33'15" W 58.60 FEET) AN ARC DISTANCE OF 58.79 FEET TO A POINT OF TANGENCY; THENCE S 14°36'37" W 18.09 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A 18.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76°05'04" (THE CHORD OF WHICH BEARS S 52°39'09" W 22.18 FEET) AN ARC DISTANCE OF 23.90 FEET, TO A POINT THAT IS 27.00 FEET NORTHERLY OF AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 25; THENCE PARALLEL WITH THE SOUTH LINE OF SECTION 25, N 89°18'19" W 114.88 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3,241 SQUARE FEET.

